

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

Re: ECF Nos. 20763, 21666

(Jointly Administered)

URGENT CONSENSUAL MOTION FOR EXTENSION OF DEADLINES

To the Honorable United States District Judge Laura Taylor Swain:

The Commonwealth of Puerto Rico (the “Commonwealth”) respectfully submits this urgent consensual motion (the “Urgent Motion”) for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), extending the deadlines set forth in the *Order Granting Urgent Consensual Motion for Extension of Deadlines* [ECF No. 21666] (the “Scheduling Order”).²

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² The Financial Oversight and Management Board for Puerto Rico, as the Commonwealth’s representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”), has authorized the Department of Justice to file this Urgent Motion on behalf of the Commonwealth.

Request for Relief

1. On May 12, 2022, Ismael Rivera Grau, Lourdes Morales Reyes and the conjugal partnership composed between them (jointly, the “Movants”) filed a *Motion for Relief from Automatic Stay* [ECF No. 20763] (the “Motion”), requesting that this Court “issue a modification of the automatic stay imposed under Section 362 of the Bankruptcy Code in order to continue the pending state court litigation of their case” in connection with a case filed by Movants in the Trial Court of San Juan, against, among others, the Commonwealth, under Civil Case no. K DP2016-0913. *See* Motion at 11.

2. On June 29, 2022, the Court entered the Scheduling Order, which provides that responses to the Motion must be filed by August 31, 2022 at 4:00 p.m. (AST), and Movants’ reply by September 7, 2022 at 4:00 p.m. (AST).

3. The Commonwealth and Movants continue to explore the possibility of a consensual resolution to the Motion. Accordingly, the Commonwealth, with Movants’ consent, proposes the following extensions of the deadlines set forth in the Scheduling Order:

- The deadline to respond to the Motion shall be extended to **September 15, 2022**.
- The deadline for Movants to file a reply to a response, if any, shall be extended to **September 22, 2022**.
- The Court will thereafter take the Motion on submission, unless the Court determines that a hearing is necessary.

4. Pursuant to Paragraph I.H of the *Sixteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 20190-1] (the “Case Management Procedures”), the Commonwealth hereby certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; it has not created the urgency through any lack of due diligence;

has made a bona fide effort to resolve the matter without a hearing; has made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court, and Movant consents to the request in this urgent motion.

Notice

5. The Commonwealth has provided notice of this motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtors' bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against COFINA; (d) counsel to the statutory committees appointed in these Title III cases; (e) the Office of the United States Attorney for the District of Puerto Rico; (f) counsel to the Oversight Board; (g) the Puerto Rico Department of Justice; (h) all parties filing a notice of appearance in these Title III cases; and (i) Movants. A copy of the motion is also available on the Commonwealth's case website at <https://cases.primeclerk.com/puertorico/>.

6. The Commonwealth submits that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, the Commonwealth requests the Court enter the Proposed Order and grant such other relief as is just and proper.

Dated: August 31, 2022
San Juan, Puerto Rico

Respectfully submitted,

DOMINGO EMANUELLI HERNÁNDEZ

Secretary of Justice

/s/ Susana I. Peñagaricano-Brown

SUSANA I. PEÑAGARICANO BROWN

USDC No. 219907

Deputy Secretary in Litigation

Department of Justice

P.O. Box 9020192

San Juan, Puerto Rico 00902-0192

Phone: 787-721-2900 Ext. 1404

spenagaricano@justicia.pr.gov

Attorney for the Commonwealth of Puerto Rico

Exhibit A

Proposed Order